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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ROWE, et al.

Attorney Docket No.: IGTIP119

Application No.: 09/688,854

Examiner: N. Pillai

Filed: October 16, 2000

Group: 2173

Title: METHOD AND SYSTEM FOR CONFIGURING  
A GRAPHICAL USER INTERFACE BASED  
UPON A USER PROFILE

Confirmation No.: 1791

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being transmitted  
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and Trademark Office on September 16, 2005.

Signed: Susan W. Xu  
Susan W. Xu

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22314

Dear Sir:

Applicants hereby request review of the final rejections in the above-identified application. Review is requested for the reasons stated in the accompanying Remarks.

This Request is being filed with a Notice of Appeal.

No amendments are being filed with this Request.

Remarks begin on page 2 of this paper.

**REMARKS**

Claims 1-8, 10-14 and 17-33 all stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,039,648 to Guinn, et al. ("Guinn"). Applicants respectfully submit that such final rejections are improper for at least the following reasons:

**I. Improper Finality Status**

Applicants filed a Request for Continued Examination ("RCE") for the pending application on January 23, 2004. The next Office Action issued on February 25, 2004, rejecting all of pending claims 1-8, 10-14 and 17-20. Applicants filed a Response to this Office Action on May 25, 2004, which Response did not amend any of the pending claims. The next Office Action issued on December 21, 2004, again rejecting all claims, although on new grounds, as admitted in the Office Action. Applicants filed a Response to this Office Action with two Rule 132 Declarations on March 17, 2005. This filed Response did NOT amend any of claims 1-8 or 17-20, or any claim from which any of these claims depends. The subsequent Final Office Action again rejects all claims, and again admits that there are new grounds for rejection. Because independent claims 1 and 17 have not been amended since Applicants' RCE of January 23, 2004, and because the grounds for rejection of these claims in the Final Office Action are new, the status of finality is improper. Accordingly, Applicants respectfully request withdrawal of the finality status for at least this reason.

**II. Failure of Office Action to Show All Claim Elements in Guinn**

The only basis for rejection for all claims in the Final Office Action is the noted anticipatory rejection to Guinn, which reference was newly entered into the case for the first time upon issuance of the current Final Office Action. Applicants respectfully submit that Guinn clearly does not teach many current claim elements, and that the Final Office Action does not provide any reasonable basis for reaching such a conclusion.

In rejecting independent claim 1, the Final Office Action simply recites all seven steps and numerous elements of the entire claim at length, and then vaguely points only to Figures 4 and 5 of Guinn as presumably having every material element of claim 1. Not only is such an assertion factually incorrect, it is improper under MPEP § 706 and 37 CFR § 1.104(c)(2): "In rejecting claims for want of novelty . . . the particular [prior art] part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

In particular, independent claim 1 recites verbatim:

"1. A method of configuring a graphical user interface associated with an application executed by a computing device of a gaming system, said gaming system including at least one gaming device adapted to accept a wager by a player, present a game, and grant an award for predetermined winning events comprising the steps of:

providing a set of navigation selectable elements;

accepting a first input from a given user of said gaming system;

accepting a second input from an operator of said gaming system;

providing a user identification associated with said given user;

determining a user profile from said user identification;

determining which elements from said set of navigation selectable elements that said user is permitted to view in accordance with said user profile; and

displaying only said navigation selectable elements said user is allowed to view, wherein said resulting display is customized to the user based at least in part upon said first input and said second input." (emphases added).

Applicants submit that no support can be found in Figures 4 and 5 of Guinn for any of the claim steps or limitations bolded above. As noted within Guinn at col. 3 lines 49-50, its "FIGS. 4 and 5 are flow diagrams of one operational method of play of the instant invention

[to an Automated Tournament Gaming System].” While there thus may be some tangential relation to a gaming system, which gaming system may have a display, there is no mention of a graphical user interface anywhere in Guinn. In fact, there is no concern whatsoever in Guinn for any particular “method of configuring a graphical user interface,” which is the crux of the presently claimed invention.

While Figure 4 of Guinn might arguably suggest the acceptance of a first input from a tournament *player*, there exists no possible support for “accepting a second input from an operator,” as is presently claimed. Further, there are simply no provisions in Figures 4 or 5 of Guinn for any of the present claim steps or elements of “providing a user identification;” “determining a user profile;” “determining which elements from [a] set of navigation selectable elements that [a] user is permitted to view in accordance with said user profile;” and “displaying [a] . . . resulting display [that] is customized to the user based at least in part upon [the] . . . second input [from an operator that is not the user].” Applicants respectfully submit that not only do Figures 4 and 5 fail to show or suggest any of these material claim steps and elements, but that the remainder of the disclosure of Guinn fails to account for all of these missing claim steps and elements as well.

Although the finality status of the pending Final Office Action has been shown to be improper, and the pending rejection of claim 1 has been shown to be deficient at least due to an inadequate showing that Guinn teaches all elements of this claim, Applicants still point to many further instances of pending claims that have been improperly rejected. For example, despite what is asserted in the Office Action, col. 2, lines 57-62 of Guinn fails to teach or suggest the use of “container elements,” as currently claimed in claim 2. Similar objections are raised hereby with respect to each of dependent claims 3-8, 11-14 and 18-31, in that the cited references to passages in Guinn simply fail to show any support that Guinn teaches or suggests what is specifically being claimed in each of these dependent claims. Applicants are

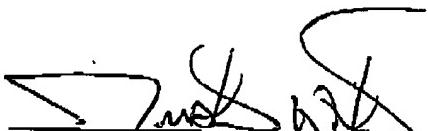
at a loss as to how Guinn teaches or suggests anything resembling "application initiating elements," "elements arranged in a hierarchical format," "navigation selectable [i.e., GUI] elements as buttons," "elements in a tree form," "elements dependent upon a user profile," "elements arranged into levels," or any of the numerous other presently claimed elements that are simply not present in Guinn.

Furthermore, Guinn most certainly does not teach the distinction that was added in the one claim amendment made in Applicants' most recent Response to Office Action. To note, this amendment to claims 10 and 32 added the claim element that "said operator is an employer of said given user." Applicants submit that nothing in Guinn remotely teaches or suggests that the claimed operator separate from the claimed user is also the employer of the user. As taught by the present specification, the claimed customizable display for use by a user can be based on inputs from both the user and a system operator. The added limitation thus further narrows these particular claims to a relationship where the user is an employee, and the operator is an employer of the employee. Again, nothing in Guinn suggests such a relationship, since Guinn is directed toward a player and casino operator relationship.

In view of the foregoing, it is respectfully submitted that the rejections of all pending claims should be withdrawn.

Respectfully Submitted,  
BEYER WEAVER & THOMAS, LLP

Date: September 16, 2005

  
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